

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, APRIL 21, 1992  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:01 a.m. Mayor O'Connor recessed the meeting at 10:47 a.m. to convene the Special Joint Council meeting with the Redevelopment Agency and to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with Council Members Roberts and Stevens not present. Mayor O'Connor recessed the meeting at 3:29 p.m. to meet in Closed Session in the 12th Floor Conference Room to discuss pending and potential litigation. Mayor O'Connor reconvened the Council Meeting at 4:21 p.m. with all members present.

Chairperson Filner adjourned the meeting at 7:27 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (so/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

PUBLIC COMMENT:

None.

ITEM-209: (R-92-1501) CONTINUED TO APRIL 28, 1992

Requesting Congress and the President of the United States to amend the Fair Labor Standards Act (FLSA) to exempt public sector executive, administrative and professional salaried employees from the salary basis test to determine eligibility for overtime premium payments and in particular to enact S.1670 (Seymour) and H.R.4570 (Lowery); directing the Department of Legislative Services and Washington Advocates to vigorously represent the City's position on this vital issue.

(See Department of Legislative Services Report DLS-92-12.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: J206-213.)

MOTION BY WOLFSHEIMER TO CONTINUE ITEMS 209, 210, AND S502 ONE WEEK DUE TO LACK OF TIME. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-210: (R-92-1509) CONTINUED TO APRIL 28, 1992

Establishing the Government Office Space Task Force to develop a long-term strategy for downtown City office space, as more fully described in City Manager Report CMR-92-84; directing the Government Office Space Task Force to address the specific tasks described in City Manager Report CMR-92-84.

(See City Manager Report CMR-92-84. District-2.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: J206-213.)

MOTION BY WOLFSHEIMER TO CONTINUE ITEMS 209, 210, AND S502 ONE WEEK DUE TO LACK OF TIME. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-330:

Three actions relative to Otay Mesa Industrial Park Assessment District No. 4030 (Improvement Act of 1913):

(Otay Mesa Community Area. District-8.)

Subitem-A: (R-92-1523) ADOPTED AS RESOLUTION R-279804

Approving the Contract of Ownership of Improvements.

Subitem-B: (R-92-1522) ADOPTED AS RESOLUTION R-279805

Confirming the assessment, ordering the improvements made, together with appurtenances, and approving the Engineer's Report.

Subitem-C: (R-92-1521) ADOPTED AS RESOLUTION R-279806

Authorizing issuance of bonds, approving Form of Bond Indenture, Preliminary Official Statement, Bond Purchase Agreement and Guaranty Agreement in a Special Assessment District.

CITY MANAGER SUPPORTING INFORMATION: In April 1989, Council accepted the property owner petition, signed by the developer, representing 100 percent of the land owners, to consider

assessment district financing for the project. This proposed district would be an acquisition-type district in which the City acquires the public improvements from the developer through assessment district proceedings. Following the public hearing, owners have 30 days in which to pay all or any portion of their assessment. At the end of the 30-day cash collection period, assessment bonds, in the amount of the total unpaid assessments are issued and the developer is paid for the completed public improvements which consist of grading, curb and gutter, sidewalk, paving, sewer, water and storm drain facilities, street lights and other miscellaneous improvements.

FILE LOCATION: STRT - D-2280

COUNCIL ACTION: (Tape location: A022-033.)

Hearing began at 10:03 a.m. and halted at 10:04 a.m.

MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-331: (R-92-1436) NOTED AND FILED

(Continued from the meeting of April 2, 1992, Item 201a, at the City Manager's request, to come back at the same time with the introduction of an Ordinance authorizing the issuance of debt to begin the construction projects on the Clean Water Program.)

A Resolution in the matter of sewer rates to support debt financing of the Clean Water Program Capital Improvement Projects.

(See City Manager Report CMR-92-109.)

FILE LOCATION: WATER-Sewer Rates, Clean Water Program

COUNCIL ACTION: (Tape location: G029-J205.)

NOTE: Items 331, 332, 333, 334, 335, and 336 were discussed simultaneously.

Motion by Behr to instruct the City Attorney to immediately seek relief from the Federal Court Consent Decree to reduce to a minimum or, preferably, eliminate the requirement for

tertiary treatment and the production and distribution of reclaimed water at this time.

Subject to that ruling, reduce to a minimum or stop these efforts regarding tertiary treatment in the most expeditious and cost effective manner. Subject to the Federal Court's ruling, make every effort to retain the capability to install tertiary treatment and reclaimed water production and distribution at a future time.

Continue the planning, design, and construction for secondary level sewage treatment facilities in a phased manner that adds new capacity and rate based on conservative, regional, economic and population growth that reflects current realities. Continue, as the highest priority, our advocacy of Congress, our City secondary waiver request in changes of marine discharge standards. No second.

Substitute Motion by McCarty to bond approximately \$70 million and direct staff to come back to Council with alternative costs for extending the current outfall or doing a shoreline parallel and the funding for the municipal sewer project. Failed. Yea: 5,7. Nay: 1,2,3,4,6,8. Not present: 2,M.

MOTION BY FILNER TO NOTE AND FILE ITEMS 331, 332, 333, 335, AND 336. Second by Stevens. Passed by the following vote: Wolfsheimer-nay, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

MOTION BY WOLFSHEIMER TO SCHEDULE A SPECIAL COUNCIL MEETING, AS RECOMMENDED BY CHAIRPERSON FILNER, ON MONDAY, APRIL 27, 1992, AT 10:00 A.M., TO DISCUSS AND GIVE STAFF DIRECTION ON A NEW CLEAN WATER PROGRAM. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-332: (O-92-132) NOTED AND FILED

Introduction of an Ordinance proposing an initial issue of bonded indebtedness, not to exceed \$200 million, for capital improvement and infrastructure needs for the Clean Water Program; approving the form of and authorizing the execution and delivery of an Installment Purchase Agreement between the City and the

Public Facilities Financing Authority of the City of  
San Diego.

FILE LOCATION: WATER-Bonded Indebtedness; Clean Water  
Program

COUNCIL ACTION: (Tape location: G029-J205.)

Hearing began at 4:22 p.m. and halted at 6:42 p.m.

Testimony in oppositon by Frank Rosso and Monty Griffin.

MOTION BY FILNER TO NOTE AND FILE ITEMS 331, 332, 333, 335,  
AND 336. Second by Stevens. Passed by the following vote:  
Wolfsheimer-nay, Roberts-not present, Hartley-yea,  
Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay,  
Filner-yea, Mayor O'Connor-not present.

ITEM-333: (R-92-1597) NOTED AND FILED

A Resolution in the matter of the financing documents  
for the Clean Water Program and authorization to  
proceed with issuance of revenue bonds for the Clean  
Water Program.

FILE LOCATION: WATER-Revenue Bonds; Clean Water Program

COUNCIL ACTION: (Tape location: G029-J205.)

MOTION BY FILNER TO NOTE AND FILE ITEMS 331, 332, 333, 335,  
AND 336. Second by Stevens. Passed by the following vote:  
Wolfsheimer-nay, Roberts-not present, Hartley-yea,  
Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay,  
Filner-yea, Mayor O'Connor-not present.

ITEM-334: CONTINUED TO APRIL 28, 1992

Seven actions relative to Clean Water Program  
Financing:

Subitem-A: (R-92-1609)

Adoption of a Resolution authorizing the cancellation  
and rescheduling of FY 1992 Water Utilities Department  
and Clean Water Program Capital Improvement

Appropriations to later years.

Subitem-B: (R-92-1614)

Adoption of a Resolution authorizing expenditures from CIP-40-911.5 to award a construction contract and related services regarding the Point Loma Outfall Extension; accepting the low responsive bid and awarding the contract for construction to Point Loma constructors regarding the Point Loma Outfall Extension; authorizing Amendment No. 5 to the agreement with Engineering- Science, for professional services regarding the Point Loma Outfall Extension.

Subitem-C: (R-92-1615)

Adoption of a Resolution authorizing the City Manager to apply for a Federal Grant regarding the Point Loma Outfall Extension project.

Subitem-D: (R-92-1616)

Adoption of a Resolution approving the forms of and authorizing the execution and delivery of an indenture relating to an installment purchase financing and approving certain actions in connection therewith.

Subitem-E: (R-92-1617)

Adoption of a Resolution authorizing the City Manager to pursue planning for a bond issue in connection with the Municipal Sewer System.

Subitem-F: (R-92-1618)

Adoption of a Resolution adopting a policy of adjusting sewer rates annually in compliance with bond covenants.

Subitem-G: (R-92-1619)

Adoption of a Resolution authorizing an amendment to the agreement with Schaer Associates (High-Point Schaer) for the preparation of an engineer's statement of feasibility.

FILE LOCATION:

COUNCIL ACTION: (Tape location: G029-J205.)

MOTION BY BEHR TO CONTINUE ONE WEEK, AS REQUESTED BY

CHAIRPERSON FILNER, TO ALLOW STAFF TO REVIEW THE CONCERNS FROM BARRY SCHULTZ REGARDING MINORITY CONTRACTS. Second by Wolfsheimer. Passed by the following vote:  
Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-335: NOTED AND FILED

In the matter of the existing Point Loma Outfall Replacement Project.

(Peninsula Community Area. District-2.)

FILE LOCATION: WATER-Point Loma Outfall Replacement Project

COUNCIL ACTION: (Tape location: G029-J205.)

MOTION BY FILNER TO NOTE AND FILE ITEMS 331, 332, 333, 335, AND 336. Second by Stevens. Passed by the following vote:  
Wolfsheimer-nay, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

ITEM-336: NOTED AND FILED

In the matter of modifications to Clean Water Program Alternative IV.

FILE LOCATION: WATER-Clean Water program Alternative IV

COUNCIL ACTION: (Tape location: G029-J205.)

MOTION BY FILNER TO NOTE AND FILE ITEMS 331, 332, 333, 335, AND 336. Second by Stevens. Passed by the following vote:  
Wolfsheimer-nay, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

ITEM-337: (R-92-1271) ADOPTED AS RESOLUTION R-279807

Matter of a request to amend the Mission Valley



Community Plan and a General Plan Amendment to redesignate several hillside areas south of Interstate 8 from various commercial designations to open space. Alternatives to be considered include redesignating southern hillside areas above the 150-foot contour level to open space, redesignating southern hillside areas within the Hillside Review Overlay Zone to open space and redesignating five sites south of Interstate 8 currently zoned R1-40,000 to open space. Larger maps are available for public inspection in the Planning Department illustrating this proposal.

The City Council will also consider additional amendments to the Mission Valley Land Use Plan and other figures contained in the Mission Valley Community Plan to:

- (1) Correct the community and land use designation boundary lines;
- (2) Correct/add the Mission Valley West Light Rail Transit line to reflect the adopted alignment; and,
- (3) Clarify the Specific Plan and Multiple Use figures.

Other areas of the community plan not mentioned above may also be considered for changes during the public hearing.

(Mission Valley Community Plan Area. District-6.)

Adoption of a Resolution approving the proposed Mission Valley Community Plan/General Plan Amendment.

FILE LOCATION: LAND - Mission Valley Community Plan

COUNCIL ACTION: (Tape location: A033-536.)

The hearing began at 10:05 a.m. and halted at 10:40 a.m.

Testimony in favor by Russell V. Grant and Joe Binter.

Testimony in opposition by Barbara Nevara, C. Roy Miller, Gerry Braun, William J. Woodruff, John Bruce, L. E. Lumley and Donald Snyder.

Mayor O'Connor closed the public hearing.

MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-not present, Stevens-not present, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-not present, Mayor  
O'Connor-yea.

ITEM-338:

(Continued from the meeting of April 7, 1992,  
Additional Business to Item 332, at Councilmember  
Hartley's request, to place the matter on the docket  
for Council action.)

Two actions relative to correctional placement centers:

Subitem-A: (O-92-133) NOTED AND FILED.

Introduction and adoption of an Emergency Ordinance to  
allow the provisions for Correctional Placement Centers  
(work furlough facilities) to take immediate effect in  
the Local Coastal Zone.

NOTE: Six votes required.

Subitem-B: (O-92-134) INTRODUCED, TO BE ADOPTED ON  
MAY 4, 1992

Introduction of an Ordinance amending Ordinance No.  
17748 (New Series) adopted March 16, 1992, by amending  
Section 3 relating to the effective date of the  
provisions of Ordinance No. 17748 (New Series) within  
the Coastal Zone.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A536-B047.)

MOTION BY ROBERTS TO NOTE AND FILE SUBITEM-A AND INTRODUCE  
THE ORDINANCE FOR SUBITEM-B. Second by Wolfsheimer. Passed  
by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-339: (R-92-1286) RETURNED TO THE CITY MANAGER

(Continued from the meeting of April 7, 1992, Item 116, for a report from the City Attorney on financial implications to the City should the County suffer financial difficulties.)

Authorizing the City Treasurer to deposit excess funds of the City in the San Diego County Treasury at the City Treasurer's discretion.

CITY MANAGER SUPPORTING INFORMATION: State law now allows municipalities to invest in County Treasury pools, subject to approval of the City Council. The City Treasurer is requesting Council authorization to deposit a portion of excess City funds with the County Treasury. The Treasurer currently has similar authority to invest funds in the State pool. As interest rates fluctuate from year to year, there are opportunities for the City Treasurer to take advantage of interest rate differences between short-term market investment alternatives and the County Treasurer's pool. This option could result in more interest earnings for the City, depending on the interest rate environment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D017-022.)

MOTION BY BEHR TO RETURN TO THE CITY MANAGER TO REVIEW SOME OF THE ADDITIONAL LEGAL ISSUES THAT HAVE BEEN RAISED.  
Second by Stallings. Passed by the following vote:  
Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-340: CONTINUED TO MAY 5, 1992

Two actions relative to an Automated Refuse Collection Pilot Program:

(See City Manager Report CMR-91-253. Tierrasanta, Carmel Valley, Clairemont, Scripps Ranch, and Linda Vista Community Areas. Districts-1,5,6, and 7.)

Subitem-A: (O-92-118)

Introduction and adoption of an Ordinance amending O-17667 (New Series), as amended, entitled "an Ordinance adopting the Annual Budget for the Fiscal Year 1991-92 and Appropriating the Necessary Money to

Operate the City of San Diego for said Fiscal Year" by amending Document OO-17667-1, by transferring the sum of \$523,250 from the Equipment Division Motive Acquisition Fund (33) to the General Fund 100 and subsequently to the newly created "Automated Container Fund" for the purpose of funding an Automated Refuse Collection Pilot Program in the City of San Diego.

NOTE: The first public hearing of this Ordinance was held on Monday, April 20, 1992, Item 151.

Subitem-B: (R-92-1312)

1. Authorizing the City Manager to implement plans for an Automated Refuse Collection Pilot Program;
2. Authorizing the City Auditor and Comptroller to reallocate \$523,250 in existing funds to purchase automated containers;
3. Authorizing the City Auditor and Comptroller to establish a new fund, entitled "Automated Container Fund"; interest earning from the fund will be deposited in the Automated Container Fund;
4. Authorizing the City Auditor and Comptroller to transfer working capital advance in the amount of \$523,250 from the Equipment Division Motive Acquisition Fund (33) to the General Fund 100 and subsequent to the transfer of \$523,250 to the General Fund 100, the monies be transferred to the newly created Automated Container Fund;
5. Authorizing the Auditor and Comptroller to transfer any remaining monies from the Automated Container Fund to the General Fund 100 upon advice from the administering department;
6. Authorizing the Purchasing Agent to advertise for bids for the automated containers and award the bid to the lowest bidder.
7. Authorizing the City Auditor and Comptroller to increase the estimated revenues and appropriations in the General Fund 100 for the Automated Refuse Collection Pilot Program.

COMMITTEE ACTION: Reviewed by PSS on 6/5/91. Recommendation to approve the City Manager's recommendations. Districts 3, 4, 5,

and 7 voted yea. District 2 not present.

CITY MANAGER SUPPORTING INFORMATION: The Waste Management Department is proposing to implement a pilot project to determine the feasibility and cost effectiveness of an Automated Refuse Collection Program in the City of San Diego. The pilot areas were selected based upon a variety of demographic and geographic factors in order to assist the Refuse Collection Division establish the base criteria for future citywide expansion. The selected pilot neighborhoods are:

Tierrasanta, Carmel Valley, Clairemont, Scripps Ranch, and Linda Vista. Each home in the pilot area will be provided one automated garbage container. These containers, costing approximately \$65 each, will have a 60 or 90 gallon capacity and will be equipped with wheels for easy movement. Five existing refuse vehicles will be retrofitted with automated arms in order to test the viability of automated refuse collection. The pilot program will continue for six months in order to obtain sufficient data for a valid assessment of this study. All implementation costs for the pilot program will be paid for out of existing funds. Monies have been encumbered in the Equipment Division vehicle pool fund. These funds were previously allocated for the replacement of four rearloader packers and the purchase of three new sideloaders. These monies will be re-programmed to retrofit five existing vehicles and purchase 8,050 containers. The Public Services and Safety Committee reviewed this item at its June 5, 1991 meeting and unanimously approved the Manager's recommendation to conduct this pilot study.

Aud. Cert. 9200681.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A009-019.)

MOTION BY BEHR TO CONTINUE TO MAY 5, 1992 AT THE REQUEST OF THE CITY MANAGER TO ALLOW TIME FOR THE FIRST HEARING TO BE HELD. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-341: (O-92-102) INTRODUCED AS AMENDED, TO BE  
ADOPTED MAY 4, 1992

(Continued from the meeting of March 17, 1992, Item 332, at Council Member Roberts' request, to allow time for the City Attorney to draft the ordinance.)

Matter of an amendment to Chapter X, (Planning and Zoning Regulations) of the San Diego Municipal Code by modifying certain existing sections of the Municipal Code pertaining to parking and recreational vehicle storage within the single-family and multi-family residential zones as follows:

1. Amend Section 101.0407 R-1 Zones as it relates to parking regulations and outdoor storage and placement regulations.
2. Amend Section 101.0410 R Zones (multi-family residential) as it pertains to parking and outdoor storage and placement regulations for those lots developed exclusively with a single-family dwelling.

These proposed amendments would provide changes to the parking regulations (including RV parking) within the single-family residential zones and to the storage regulations within the single-family residential zones and the multi-family residential zones.

LOCAL COASTAL PROGRAM: The proposed amendment to the San Diego Municipal Code also constitutes an amendment to the City of San Diego's Local Coastal Program (LCP). If approved by the City Council, the proposed LCP amendment must be submitted to the California Coastal Commission for review and certification. The LCP amendment would not become effective until after approval by the California Coastal Commission.  
(City-wide.)

Introduction of an Ordinance amending the San Diego Municipal Code.

FILE LOCATION:

COUNCIL ACTION: (Tape location: E088-578.)

Hearing began at 2:15 p.m. and recessed at 2:34.

Hearing reconvened at 2:42 p.m. and halted at 3:29 p.m.

Testimony in favor by Rodger Johnson.

MOTION BY ROBERTS TO AMEND SECTION 101.0407F.5. AS SUBMITTED TO READ AS FOLLOWS: THE REQUIREMENTS SET FORTH IN THIS SECTION ONLY APPLY TO PARKING AREAS THAT ARE LOCATED WITHIN A REQUIRED FRONT OR SIDE YARD SET BACK. TO THE GREATEST EXTENT POSSIBLE, THE REAR YARD SET BACK SHOULD BE USED FOR VEHICLE OR EQUIPMENT PARKING/STORAGE. OTHERWISE;

5. FOR LOTS DEVELOPED WITH INTERIOR SIDE YARDS OF LESS THAN TEN FEET, NO ACCESS TO THE REAR YARD AND NO OTHER ON-SITE PARKING AREAS LOCATED OUTSIDE OF THE FRONT OR SIDE YARD SET BACKS, ONE OF THE FOLLOWING ITEMS MAY BE STORED OUTDOORS IN THE REQUIRED FRONT OR SIDE YARD SET BACKS SUBJECT TO THE REQUIREMENTS CONTAINED IN PARAGRAPHS a THROUGH c OF THIS SUBSECTION.

RECREATIONAL VEHICLES, TRAVEL TRAILERS, TRAILERS, BOATS, ALL-TERRAIN VEHICLES, CAMPER SHELLS, MOTORCYCLES AND SIMILAR EQUIPMENT, PROVIDED THAT THE VEHICLE AND/OR EQUIPMENT IS MAINTAINED IN AN OPERABLE CONDITION. (AN OPERABLE, SELF-PROPELLED VEHICLE MAY BE PARKED IN THE SAME MANNER AS ANY OTHER OPERABLE VEHICLE PURSUANT TO DIVISION 8 OF THIS ARTICLE.)

- a. A LISTED ITEM SHALL BE PLACED PERPENDICULAR TO THE FRONT PROPERTY LINE WHEN ITEM IS LOCATED WITHIN THE REQUIRED FRONT YARD SET BACK.
- b. FOR EQUIPMENT THAT IS LOCATED WITHIN THE REQUIRED FRONT OR SIDE YARD SET BACKS, A THREE (3) FOOT HIGH SOLID WALL/FENCE OR LANDSCAPE MATERIAL WHICH SHALL REACH A MINIMUM HEIGHT OF THREE (3) FEET WITHIN TWO (2) YEARS OF INSTALLATION, SHALL BE PLACED ALONG INTERIOR PROPERTY LINES ADJACENT TO THE ABOVE LISTED ITEM.
- c. THE PROVISIONS OF THIS SUBSECTION SHALL NOT AFFECT THE VALIDITY, APPLICATION OR ENFORCEMENT OF ANY COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R's) OR ANY OTHER AGREEMENT RELATING TO PARKING AND STORAGE OF ANY OF THE ITEMS LISTED IN THIS SUBSECTION IF THE CC&R's OR AGREEMENTS ARE MORE RESTRICTIVE THAN THE PROVISIONS OF THIS SUBSECTION.

Second by Stallings. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,  
Behr-nay, Stallings-yea, McCarty-yea, Filner-not present,  
Mayor O'Connor-yea.

Motion by Wolfsheimer to exempt those areas that have CC&R's restricting RV's, and that the older ordinance would remain

in effect. Second by Behr. Failed. Yea: 1,5 Nay:  
2,3,4,6,7,M. Not present: 8.

Motion by Behr to amend the existing language as submitted by Council Member Roberts by placing a period after the word "subsection" in the fourth line of Section 5c and delete the remainder of the sentence which reads, "if the CC&R's or agreements are more restrictive than the provisions of this subsection." Second by Wolfsheimer. Failed. Yea: 1,3,5,6. Nay: 2,4,7,M. Not present: 8.

Motion by McCarty to approve the City Manager's recommendations to amend the Code to allow driveway parking for garages converted prior to 1973. Second by Stevens. No vote.

MOTION BY STEVENS TO AMEND COUNCIL MEMBER McCARTY'S MOTION TO GRANDFATHER IN THOSE PRESENT GARAGE CONVERSIONS THAT ARE THERE AT THE PRESENT TIME, AND THAT CODE ENFORCEMENT WILL BE STRICTLY ADHERED TO AND THAT BUILDING PERMITS WILL BE FOLLOWED AND THE GUIDELINES ENFORCED ACCORDINGLY IN ALL FUTURE CONVERSIONS IN THE AREA CITY WIDE. THE GRANDFATHER CLAUSE TO BE EFFECTIVE JANUARY 1, 1992. Second by Wolfsheimer. Passed by the following vote:  
Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-not present, Stallings-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-342: CONTINUED TO APRIL 28, 1992

A Proposal to adopt the following: Centre City Community Plan and related ordinances, including the Centre City Parking Ordinance, the Centre City Transit Ordinance, the Centre City Streetscape Manual, and the Centre City Planned District Ordinance; and the approval of a corresponding amendment to the City's Local Coastal Program.

The proposed Centre City Community Plan would provide the overall standards, criteria, and objectives for development within the Centre City area. The Parking Ordinance, Transit Ordinance, Streetscape Manual and Planned District Ordinance would contain specific regulations and procedures for the City to implement the proposed Community Plan.

The proposed Centre City Community Plan and related ordinances also constitute an amendment to the City of



San Diego's Local Coastal Program. If approved by the City Council, the proposed Local Coastal Program amendment must be submitted to the California Coastal Commission for review and final approval. The proposed Local Coastal Program amendment would not be effective until after approval by the California Coastal Commission.

(Districts-2, 3 & 8.)

Subitem-A: (R-92-1539)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR State Clearing House No. 900010898 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and that appropriate findings of mitigation, feasibility or project alternatives; a reporting and monitoring program; and a statement of overriding considerations are adopted pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-92-1538)

Adoption of a Resolution repealing the Centre City Community Plan adopted May 12, 1976, as amended and adopting the proposed Centre City Community Plan.

Subitem-C: (O-92-94)

Introduction of an Ordinance amending the Municipal Code by adding the Centre City Planned District.

Subitem-D: (O-92-99)

Introduction of an Ordinance amending the Municipal Code relating to the Centre City Parking Regulations.

Subitem-E: (O-92-129)

Introduction of an Ordinance amending the Municipal Code relating to the provision and preservation of transit and parking facilities for the Centre City Community Plan.

Subitem-F: (R-92-1532)

Adoption of a Resolution adopting the proposed Centre  
City Streetscape Manual.

FILE LOCATION: LAND-Centre City Community Plan

COUNCIL ACTION: (Tape location: J214-K269.)

Hearing began at 6:43 p.m. and halted at 7:26 p.m.

Testimony in favor by Wayne Rafflesberger, and Rubin Andrews.

Testimony in opposition by Elliot Richardson, Michael  
Sunshine, Forest Curo, Bob Kevane, Pamela Montgomery, and  
Don Wood.

MOTION BY COMMON CONSENT TO CONTINUE THE ITEM TO APRIL 28,  
1992, TO BE HEARD WITH A REDEVELOPMENT COMPANION ITEM.  
Passed by the following vote: Wolfsheimer-yea, Roberts-not  
present, Hartley-not present, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-not present, Filner-yea, Mayor  
O'Connor-not present.

ITEM-S500: WELCOMED

Welcoming and presenting a key to the City to the  
Honorable Ugo Bergamo, Mayor of Venice Italy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E339-455.)

PRESENTATION BY MAYOR O'CONNOR.

ITEM-S501: (R-92-1613) ADOPTED AS RESOLUTION R-279809

Designating April 21, 1992 as "Dr. Shirley C. Strum  
Day" in San Diego; honoring Dr. Shirley Strum's life  
work as an anthropologist, scientist and humanitarian.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E026-077.)

MOTION BY STALLINGS TO ADOPT. Second by McCarty. Passed by  
the following vote: Wolfsheimer-yea, Roberts-not present,

Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502: (R-92-1672) CONTINUED TO APRIL 28, 1992

Declaring that the City shall support such environmentally sound and cost effective efforts as are necessary to improve the amount and utilization of water storage capacity in order for all areas of the City to be provided with a reliable water supply, with a high priority of addressing the emergency storage deficiency in the northern portion of the City.

NOTE: See Item 331 for a companion item.

FILE LOCATION:

COUNCIL ACTION: (Tape location: J206-213.)

MOTION BY WOLFSHEIMER TO CONTINUE ITEMS 209, 210, AND S502 ONE WEEK DUE TO LACK OF TIME. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Chairperson Filner at 7:27 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: K269).